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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,856

10/22/2003

Emeline C. Tsai

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/690,856</p>	<p>Applicant(s) TSAI ET AL.</p>	
	<p>Examiner ANNAN Q. SHANG</p>	<p>Art Unit 2623</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Annan Q Shang/
Primary Examiner, Art Unit 2623

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 05/06/08 have been fully considered but they are not persuasive.

With respect to the rejection of claims 1-4, 10-14 and 21-33, rejected under 35 U.S.C. 102(b) as being anticipated by Radha et al (6,806,909), applicant discusses the claimed invention and the prior art of record and further argues that "Applicant disagree with this interpretation of Radha, and in particular, with the interpretation that a PID value is the same as a 'time value' (see page 7 of 11+ of Applicant's Remarks).

In response, Examiner notes Applicant's arguments, however, Examiner disagrees. Radha teaches that "...the method of the invention for splicing MPEG-2 multimedia programs, in the same or different multimedia data streams..." (col.5, lines 29-31). Furthermore Radha teaches transitioning seamlessly from a first video stream to the second video, with the same PID value (time value). In other words seamless transition takes place if the first video PID value (time value) is equal to the second video PID value (time value) (col.5, lines 55-59, col.7, lines 51-55, col.10, line 7-27 and col.15, line 42-col.16, line 63). Hence Applicant's arguments are not persuasive. Hence, the rejection is proper, meets all the claims limitations. Applicant further argues that the prior art of record does not teach the limitations of claims 10-14. In response, Examiner disagrees. Examiner maintains the teaching of: "...pack the data stream into disks blocks and...groups of blocks are striped within the HDS..." and "...reading or writing all the files in all the HDSs..." (col.17, lines 22-47, col.18, line 60-col.18, line 40, col.20, lines 13-35 and col.21, lines 1-41), meets the claimed limitation of "...first video stream has associated with...transition points comprising respective beginnings of a stripe section of a storage array. The HDS (hard drive systems contains redundant arrays of inexpensive disks 'RAID'). Hence Applicant's arguments are not persuasive. The rejection of the last office action is proper meets are the claims limitation. The finality of the last office action is hereby maintained.